

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

HOMELAND INSURANCE COMPANY OF  
NEW YORK,

Plaintiff,

v.

CLINICAL PATHOLOGY  
LABORATORIES, INC., AND SONIC  
HEALTHCARE USA, INC.,

Defendants.

CIVIL ACTION NO.: 1-20-cv-783

**UNOPPOSED AND AGREED MOTION TO EXTEND CERTAIN DEADLINES  
SET IN THE AGREED SCHEDULING ORDER**

Defendants, Clinical Pathology Laboratories, Inc. (“CPL”) and Sonic Healthcare USA, Inc. (“SHUSA”), by and through their undersigned counsel, move this Honorable Court, by agreement, for an extension of certain deadlines—but not the deadline for the filing of dispositive motions or the trial date—in the Agreed Scheduling Order [Dkt. 32], upon the following grounds:

1. Plaintiff, Homeland Insurance Company of New York (“Homeland”), commenced this action by filing a complaint on July 24, 2020 [Dkt. 1].
2. On May 19, 2021, this Honorable Court signed and entered an Agreed Scheduling Order submitted by the parties [Dkt. 32].
3. The Agreed Scheduling Order provides that “[t]he parties shall complete discovery on or before January 21, 2022” [Dkt. 32 ¶ 7]. It also provides for an April 22, 2022 dispositive motions deadline and a September 12, 2022 trial date.

4. Paragraph 10 of the Agreed Scheduling Order provides that “[b]y filing an agreed motion, the parties may request that this Court extend any deadline set in this Order, with the exception of the dispositive motions deadline and the trial date.”

5. On September 10, 2021, undersigned counsel met and conferred with counsel for Homeland regarding the deadlines in the Agreed Scheduling Order. Counsel agreed that given (a) the ongoing nature of document discovery, and (b) their desire to continue to meet and confer regarding certain ongoing discovery disputes, it would be prudent to extend certain deadlines in the Agreed Scheduling Order, but not the deadline for the filing of dispositive motions or the trial date.

6. Specifically, counsel agreed that it would be prudent to:

- a. Extend the discovery deadline from January 11, 2022 to March 18, 2022. [Dkt. 32 ¶ 7].
- b. Extend the deadline for parties asserting claims for relief to file their designation of testifying experts and serve on all parties Rule 26(a)(2)(B) materials from October 22, 2021 to May 27, 2022. [*Id.* ¶ 5].
- c. Agree to a June 24, 2022 deadline for parties resisting claims for relief to file their designation of testifying experts and to serve on all parties corresponding Rule 26(a)(2)(B) materials. [*Id.*].
- d. Extend the deadline for parties to file the designations of any rebuttal experts and to serve on all parties corresponding Rule 26(a)(2)(B) materials from 15 days to 28 days from the receipt of the report of the corresponding opposing expert. [*Id.*].

7. The above agreed proposed extensions are reflected in the proposed order filed contemporaneously with this motion.

WHEREFORE, Defendants pray this Court will grant this unopposed and agreed motion and extend certain deadlines in the Agreed Scheduling Order.

Dated: September 23, 2021

Respectfully submitted,

By: /s/ Ernest Martin

Ernest Martin, Jr. [Bar No. 13063300]

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF CONFERENCE**

I hereby certify that, consistent with Local Rule CV-7(i), counsel for Defendants and counsel for Plaintiff conferred by telephone and e-mail regarding this motion prior to its filing. As reflected in the motion, both parties agree to and approve of the filing of this unopposed motion.

/s/ Ernest Martin

Ernest Martin

**CERTIFICATE OF SERVICE**

I hereby certify that, consistent with Local Court Rule CV-5, a true and correct copy of the foregoing was sent to all parties of record pursuant to the Electronic Filing Procedures and the Federal Rules of Civil Procedure on this 23rd day of September 2021.

/s/ Ernest Martin

Ernest Martin